APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Gregory J. Koerner
Redwood Patent Law
1291 East Hillsdale Boulevard
Suite 205
Foster City, CA 94404

EXAMINER
HUYNH, SON P

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/093,271	FUJII, TOSHIYA
	Examiner	Art Unit	
	Son P Huynh	2611	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 August 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *20,40 and 43-57* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *20 and 40* is/are allowed.

6) ☒ Claim(s) *43-45 and 48-57* is/are rejected.

7) ☒ Claim(s) *46 and 47* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *08 June 1998* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Claims 1-19, 21-39, 41-42 have been cancelled.

2.   Applicant's arguments with respect to claims 20, 40, 43-57 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 43-44, 49-54 are rejected under 35 U.S.C. 102(e) as being anticipated by

Alexander et al. (US 6,177,931).

Regarding claim 43, Alexander discloses a system for selectively accessing video data

(data from video source) and Internet page data (data downloaded from Internet) – col.

8, lines 30-64), comprising:

a format manager (e.g., located in the memory or module creating on screen display –

col. 5, lines 20-53) for manipulating the video data and the Internet page data, the

format manager providing a video window (PIP window, ad windows-figure 1) on a

display device for display the video data, the video window displaying a video program

currently in progress (col. 3, lines 56-61, col. 4, lines 28-42), the video window being

selectively positionable and sizeable within the Internet page data (the position and size

of the windows and other user interface features are customizable by the viewer-col. 3,

lines 17-19; col. 14, lines 26-41. The viewer can view the windows in full screen mode

of PIP mode – col. 4, lines 15-27, col. 24, lines 21-29). The Internet page data being

scrollable with reference to the video window by utilizing a scroll value (col. 15, line 56-

col. 16, line 26; col. 23, lines 20-33);

a processor configured to control the format manager (col. 5, lines 21-53), whereby the

video data received from a video program source (e.g., CNN, or advertiser via a tuner –

col. 7, lines 10-17; col. 13, lines 46-55) and the Internet page data are simultaneously

shown on the display device (figure 1 and col. 13, lines 46-55; col. 17, line 40-col. 18,

line 67).

Regarding claim 44, Alexander further discloses the ads page (or PIP window) vertically

long with the channel listing information. This ads remain in a fixed position when the

grid is scrolled horizontally (col. 23, lines 27-33, figure 1). Inherently, the format

manager positions a video tag (for ad windows or PIP window) to vertically locate the

video window (ad windows or PIP window) on the display in relation to a current

reference postion on the display device (The current referent position is met by position

relative to the top of the grid or fixed postion located in one specific location – col. 22,

line 57-col. 23, line 33).

Regarding claim 49, Alexander further discloses the video can be displayed in PIP

window or full screen window (col. 6, line 65-col. 7, line 30; col. 24, lines 21-29). The

position and size of the windows and other user interface features are customizable by

the viewer (col. 14, lines 26-40). Inherently, the format manager is able to selectively

position the video window in a horizontal direction and in a vertical direction anywhere

within the Internet page data on the display device (EPG) (as customized by the

viewer), the format manager also being able to selectively size the video window in a

horizontal dimension and in vertical dimension within the Internet page data

(customized by the viewer).

Regarding claim 50, Alexander further discloses the position and size of the windows

and other user interface features are customizable by the viewer (col. 14, lines 26-41).

The viewer can leave the Guide to watch full screen mode the program shown in the

PIP window, ad windows using the remote control (col. 4, lines 13-27). In addition, when

a noticifcation is received, the notification can be displayed in a number of way,

including, a partial overlay, the real time program video is automatically changed to a

PIP format and the notification is displayed outside of a PIP format, or displayed inside

of the PIP format, the notification can be displayed as an on screen icon, etc. (col. 15,

lines 4-31). Inherently, the format manager automatically reformats text data and

graphics data from the Interent page data to optional utilize a remaining area of the

display device that is not utilized to display the video data, the format manager

automatically reformatting the text daa and the graphics data from the Internet data to

avoid video window while maximizing an amount of the text data and the graphics data

displayed on the display device (e.g., the program video is compressed slightly to fit in

some percentage e.g, 90% of the botton of the screen, and the notification is displayed

as horizontally rolling message at the top of the screen –col. 15, lines 15-31).

Regarding claim 51, Alexander discloses the viewer scrolls up and down the listings for

each channel and from left to right to view the listings for a channel scheduled for

different times during the day (col. 10, lines 35-47) reads on the format manager

automatically reformats the text data and the graphics data from the Interent page data

each time the Internet page data is scrolled on the display device.

Regarding claim 52, Alexander further discloses at the viewer's option, as identified in

the EPG set up procedure, the viewer can override the EPG Grid Guide default mode

by selecting to automatically enter the Television mode whenever the viewer first turns

on the television. During setup procedures, the viewer can further instruct the EPG to

automatically tune to a predetermined channel. The viewer can setup the grid guide

occupy the entire screen, overlay a portion of the screen or occupy only a portion of the

screen (col. 7, lines 5-30). In addition, The position and the size of the windows are

customizable by the viewer (col. 14, lines 26-41). Inherently, a pre-determined criteria

for determining how to automatically reformat the text data and the graphics data are

selectable by a system user.

Regarding claim 53, Alexander discloses the position and size of the windows are

customizable by the viewer using a remote control (col. 3, lines 17-35). Inherently, a

horizontal location, a vertical location, a horizontal size, and a vertical size of the video

window are each selectable by a system user by utilizing a remote control device.

Regarding claim 54, Alexander further discloses the display device is implemented as a

television device (display 10), and wherein the format manager and the processor are

implemented in a set top box (television receiver, cable box) coupled to the television

device (see col. 3, lines 2-25; col. 5, lines 20-53).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Alexander et al. (US 6,177,931).

Regarding claim 55, Alexander teaches a system as discussed in the rejection of claim

43. Alexander further discloses the Internet page data is scrollable with reference to the

video window by utilizing scroll value (using up/down arrow to scroll to a predetermined

location of the page – col. 15, line 6-col. 16, line 64). Alexander does not specifically

disclose scroll value is positive when the page is scrolled down, and scroll value is

negative when the page is scrolled upwards. Official Notice is taken that using positive

value when moving up and negative value when moving down is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Alexander to use the well-known teaching that scroll

value is positive when the page is scrolled down, and negative when the page is

scrolled up in order to achieve page developer's desire.

7.   Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Alexander et al. (US 6,177,931), in view of Alonso et al. (US 6,184,878).

Regarding claim 45, Alexander teaches a system as discussed in the rejection of claim

44. Alexander further discloses video window (12, 14,14 – figure 1) is vertically

displayed within the page data (figure 1, col. 23, lines 27-30). Necessarily, the format manager positioning the video tag (for windows 12, 14, 16) within the page data (for page on display 10) to vertically position the video window. However, Alexander does not explicitly disclose copying Internet page data to create duplicate page data.

Alonso discloses copying page data to create duplicate page for displaying on display device (col. 4, lines 65-67). Therefore, it would have been obvious to modify Alexander to use the teaching as taught by Alonso in order to allow page data developer to work on the page without changing data on original page.

8.   Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931) in view of Judson (US 5,572,643).

Regarding claim 48, Alexander teaches a system as discussed in the rejection of claim 44. Alexander further discloses panel ads (ad windows) occupy a fixed area in the Guide and are generally filled with paid advertisements. Located directly below the PIP in an Ad window, space is available in the Guide for two Panel ads. Each Panel ad occupies appropriately 1/9th of the total screen area. The usable area for a Panel ad is 132 pixels high by 160 pixels wide, with 2 pixel wide black borders all around and two pixels of gray on the left and right sides and between the two ad spaces (col. 20, lines 39-65). Inherently, a blank window name (Panel ad before being filled with the

advertisement) for identifying the video window, the window width parameter to specify

a window width of the video window, a window height parameter to specify a window

height of the video window are included. However, Alexander does not specifically

disclose the video tag includes a video source parameter to indicate the source of video

data for inserting into the video window, and a horizontal alignment parameter that

specifies a horizontal position of the video window.

Judson discloses discloses HTTP provides users access to files (which can be in

different formats such as text, graphics, images, sound, video, etc.(- col. 1, lines 21-33).

Judson further discloses object tag includes a object source parameter (PTO seal ,

www.uspto.gov/lehman4.gif, etc. – figure 6) to indicate a source of object data for

inserting into the object window; horizontal alignment parameter that specifies a

horizontal position of the object window and information includes fill-in forms (see

figures 5-8, col. 1, line 60-col. 2, line 5). Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Alexander to use

the teaching as taught by Judson in order to allow the page developer to display the

object at a desired location on the screen.

9.   Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Alexander (US 6,177,931), in view of Alonso et al. (US 6,184,878), and further in

Judson (US 5,572,643).

Regarding claim 56, Alexander discloses a system for (viewer's television system) for

selectively accessing video data (data from video source) and Internet page data (data

from Internet), comprising:

A format manager (e.g., module for creating on screen display) for manipulating the

video data and the Internet page data (col. 5, lines 20-52; col. 18, lines 33-67), the video

data is received from television broadcast programming sources (e.g. CNN server) via a

tuner (col. 7, lines 10-18), the format manager providing a video window (windows

12,14,16 – figure 1) on a display device (display 10) for displaying the video data, the

video window being selectively positionable and sizable within the Internet page (the

position and size of the windows are customizable by the viewer (col. 14, lines 26-40),

the Internet page data being scrollable with reference to the video window by utilizing a

scroll value (col. 15, line 35-col. 16, line 65), the format manager position a video tag to

vertically locate the video window on the display device in relation to a current reference

position on the display device (channel ads page vertically along with the channel listing

information. These ads remain in a fixed position when the grid is scrolled horizontally.

Fixed position channel ads are located in one specific location channels down from the

top of the grid (col. 23, lines 1-33); a processor (col. 5, lines 20-52) configured to control

the format manager, whereby the video data received from a video programming source

(e.g., CNN, ESPN, advertisers col. 25, lines 27-34; col. 31, lines 1-24) and the Internet

data page data are simultaneously shown on the display device (figure 1, col. 18, lines

13-67). However, Alexander does not explicitly disclose the format manager copying the

page data to create duplicate page data, the video tag includes a video source

parameter to indicate a source memory storage location of video data for inserting into
the video window.

Alonso discloses copying page data to create duplicate page (col. 4, lines 65-67).
Therefore, it would have been obvious to modify Alexander to use the teaching as
taught by Alonso in order to allow page data developer to work on the page without
changing data on original page. However, neither Alexander nor Alonso specifically
discloses the video tag includes a video source parameter to indicate a source memory
storage location of video data for inserting into the video window.

Judson discloses HTTP provides users access to files (which can be in different formats
such as text, graphics, images, sound, video, etc.)- col. 1, lines 21-25). Judson further
discloses object tag includes an object source parameter (PTO seal ,
www.uspto.gov/lehman4.gif, etc. – figure 6) to indicate a source memory storage of
object data for inserting into the object window. Therefore it would have been obvious to
one of ordinary skill in the art at the time the invention was made to modify Alexander
and Alonso to use the teaching as taught by Judson in order display desired video data
on the screen.

Regarding claim 57, the additional limitations correspond to the additional limitations of
claim 50, and are analyzed as discussed with respect to the rejection of claim 50.

Allowable Subject Matter

10.   Claims 20, 40 are allowed.

11.   Claims 46-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to discloses or suggest the system for selectively accessing video data and Internet page data as variously claimed. Particularly, the format manager recomputes the current reference position each time the Internet page data is scrolled on the display device in relation to the video window to maintain the video window in a stationary position on the display device, wherein the current reference position is recomputed by combining a prior reference position and a scroll value.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ashe (US 5,900,872) teaches method and apparatus for controlling the tracking of movable control elements in a graphical user interface.

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

15.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SPH
March 6, 2005

**HAI TRAN
PRIMARY EXAMINER**